

Good Samaritan CERCLA Administrative Tools

EPA Office of Water

Geographic location or area of activity: National, with focus on Regions with abandoned hard rock mining sites (predominantly the West).

Description of activity: The [Good Samaritan Initiative](#) is an Agency-wide effort to reduce barriers to the cleanup of abandoned ("orphan") mine sites by non-labile volunteers. According to estimates, there are over half a million orphan mines nationwide, most of which are former hard rock mines located in the western states. In many cases, the parties responsible for the pollution from these orphan mine sites no longer exist or are not financially viable.

On June 6, 2007, EPA published [interim "administrative tools \(PDF\)"](#) (162K, 24 pp, [About PDF](#)). The purpose of the administrative tools is to reduce barriers under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") for volunteers ("Good Samaritans") to clean up abandoned hard rock mines. These Good Samaritans have no liability or responsibility for the pollution at abandoned hard rock mines, yet they want to help the environment by volunteering to clean up a portion of the problem.

These tools, which will allow Good Samaritan cleanups to move forward under existing statutory authorities, include:

- (1) [a memorandum to the EPA Regions \(the "Guiding Principles"\) \(PDF\)](#); (162K, 24pp, [About PDF](#))
- (2) [a model comfort/status letter \(PDF\)](#), (16K, 1p., [About PDF](#)) and
- (3) [a model administrative settlement agreement \(PDF\)](#) (88K, 15pp, [About PDF](#)).

Many volunteers who are NOT responsible for the pollution and have no liability have expressed a desire to undertake cleanups at these mines. However, many of these non-labile parties have expressed concern that they may be held liable for pollution outside the scope of what they volunteered to clean up.

These voluntary cleanups will most likely not solve all of the problems at the abandoned mine, but the Agency wants to encourage making incremental improvements that benefit the ecosystems impacted by these mines.

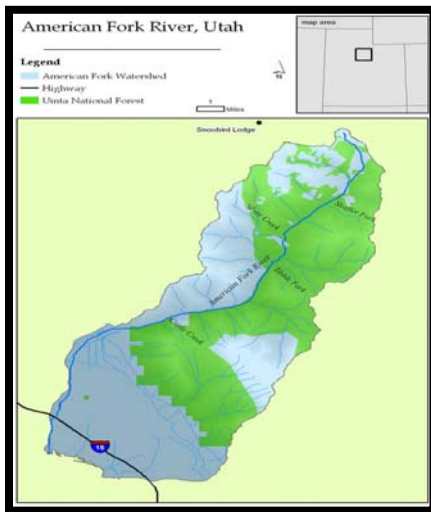
The Good Samaritans are principally concerned about potential Clean Water Act ("CWA") and CERCLA liability. The administrative tools use existing authorities and focus on CERCLA liability. The EPA believes that a narrowly tailored legislative "fix" for clean water would allow even more Good Samaritan cleanups to happen.

Importantly, the administrative tools preserve the idea under CERCLA that responsible parties should pay for cleanup. These tools do not, nor are they intended to, absolve responsible parties of their liability under existing federal law for any environmental pollution. Rather, the tools are intended solely to protect non-labile parties who volunteer to clean up orphan mine sites by providing greater legal certainty to Good Samaritans. Key provisions of the model administrative settlement agreement are a federal covenant not to sue under CERCLA and protection from third party contribution suits.

Challenges for future Good Samaritan cleanups include addressing concerns under the Clean Water Act regarding meeting water quality standards and long-term obligations for projects involving ongoing water discharges.

Interagency partners: Interagency partners include federal agencies such as the Department of the Interior, USDA, Western Governors' Association, and the Western States Water Council.

Local partners: The wide array of potential partners includes local governments and non-profit groups.



American Fork Canyon before cleanup
by Good Samaritan Trout Unlimited



Headquarters contacts: Enforcement: Cate Tierney (202-564-4254), tierney.cate@epa.gov; Office of General Counsel: Robert Stachowiak (202-564-0580), stachowiak.robert@epa.gov; Water: Roger Gorke (202-564-0470), gorke.roger@epa.gov

Regional contacts: Region 5 (IL, IN, MI, OH, WI, MN)-Dan Cozza, 312-886-7252, cozza.daniel@epa.gov ; Region 8 (MT, ND, SD, CO, UT, WY)- Nat Miullo, 303-312-6233/, miullo.nat@epa.gov : Mark Chalfant 303-312-6177, chalfant.mark@epa.gov ; Region 9 (AZ, CA, HI, NV)-Mike Montgomery, 415-972-3438, montgomery.michael@epa.gov ; Region 10 (WA, OR, ID, AK) Patricia McGrath, 206-553- 0979, mcgrath.patricia@epa.gov

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